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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER	
WEST, LEWIS G	

ART UNIT	PAPER NUMBER
2682	10

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/877,247	Applicant(s) VIRTANEN, KARI	
	Examiner Lewis G. West	Art Unit 2682	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *12 August 2003* .

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-16* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-16* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *11 June 2001* is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

Response to Arguments

1. Applicant's arguments filed August 12, 2003 have been fully considered but they are not persuasive. Applicant's arguments generally do not relate to what is being is claimed, other than in regards to the maximum value. Purnadi establishes a value, this is the highest value offered, and therefore a maximum, if this is not possible due to system resources, a lower value QOS is offered. This does read on the limitations of applicant's claims. Arguments related to the merits of the specified system are moot when such limitations are not claimed.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-14 are rejected under 35 U.S.C. 102(e) as being anticipated by Purnadi (US 6,207,971)

Regarding claim 1, Purnadi discloses a method for limiting the quality of service (QoS) of data transmission in a wireless telecommunications system which comprises at least one terminal and a fixed network which comprises a database for storing subscriber data, the method comprising:

defining the quality of service of data transmission by means of quality of service parameters; (Col. 6 lines 53-65)

defining a subscriber specific maximum value for at least one quality of service parameter; (Col. 6 lines 39-52)

storing the subscriber-specific maximum value of the at least one quality of service parameter in the database comprising the subscriber data; (Col. 6 lines 18-65)

checking, in response to the request made by the terminal for connection establishment defined with at least one quality of service parameter, the subscriber-specific maximum value of the quality of service parameter in the database comprising the subscriber data;

comparing the at least one quality of service parameter requested by the terminal with the subscriber-specific maximum value of the quality of service parameter; (Col. 6 line 66-Col. 7 line 15) and

offering connection establishment with lower values of the quality of service parameters to the terminal to be accepted in response to the fact that at least one of the quality of service parameters requested by the terminal exceeds the maximum value defined for the quality of service parameter or the resources of the system. (Col. 7 lines 15-27)

Regarding claim 2, Purnadi discloses a method according to claim 1, wherein the method is implemented in a packet-switched data transmission system in connection with the wireless telecommunications system. (Col. 5 lines 46-54)

Regarding claim 3, Purnadi discloses a method according to claim 1, wherein the method is implemented in a circuit-switched data transmission system in connection with the wireless telecommunications system. (Col. 5 lines 34-45)

Regarding claim 4, Purnadi discloses a method according to claim 1, wherein the method is implemented in an intelligent network-based data transmission system in connection with the wireless telecommunications system.

Regarding claim 5, Purnadi discloses a method according claim 1, wherein the quality of service parameters comprise at least one of the following parameters: data rate, delay, error ratio, multislot class. (Col. 2 lines 27-34)

Regarding claim 6, Purnadi discloses a method according to claim 1, wherein at least one subscriber-specific maximum value of the quality of service parameter is defined on the basis of another parameter. (Col. 6 lines 18-38)

Regarding claim 7, Purnadi discloses a method according to claim 1, wherein the service provider defines the maximum value of at least one subscriber-specific quality of service parameter. (Col. 6 lines 18-38)

Regarding claim 8, Purnadi discloses a wireless telecommunications system which comprises at least one terminal and a fixed network which comprises a database for storing subscriber data, wherein the quality of service of data transmission is defined by means of quality of service parameters in the system; (Col. 6 lines 39-65)

a subscriber-specific maximum value is defined for at least one quality of service parameter; (Col. 6 lines 39-52)

the subscriber-specific maximum value of the at least one quality of service parameter is stored in the database comprising the subscriber data; the terminal is configured to request connection establishment defined with at least one quality of service parameter; the subscriber-specific maximum value of the quality of service parameter is configured to be checked in the

database comprising the subscriber data; the at least one quality of service parameter requested by the terminal is compared with the subscriber-specific maximum value of the quality of service parameter; (Col. 6 line 66-Col. 7 line 15)

and connection establishment with lower values of the quality of service parameter is configured to be offered to the terminal to be accepted in response to the fact that at least one of the quality of service parameters requested by the terminal exceeds the maximum value defined for the quality of service parameter or the resources of the system. (Col. 7 lines 15-27)

Regarding claim 9, Purnadi discloses a telecommunications system according to claim 8, wherein the system comprises a wireless circuit-switched data transmission system. (Col. 5 lines 46-54)

Regarding claim 10, Purnadi discloses a telecommunications system according to claim 8, wherein the system comprises a wireless circuit-switched data transmission system. (Col. 5 lines 34-45)

Regarding claim 11, Purnadi discloses a telecommunications system according to claim 8, wherein the system comprises an intelligent network-based data transmission system.

Regarding claim 12, Purnadi discloses a telecommunications system according to claim 8, wherein the quality of service parameters comprise at least one of the following parameters: data rate, delay, error ratio, multislot class. (Col. 2 lines 27-34)

Regarding claim 13, Purnadi discloses a telecommunications system according to claim 8, wherein at least one subscriber-specific maximum value of the quality of service parameter is configured to be defined by means of another parameter. (Col. 6 lines 18-38)

Regarding claim 14, Purnadi discloses a telecommunications system according to claim 8, wherein at least one subscriber-specific maximum value of the quality of service parameter is arranged to be defined by the service provider. (Col. 6 lines 18-38)

Regarding claim 15, Purnadi discloses a method for limiting the quality of service (QoS) of data transmission in a wireless telecommunications system which comprises at least one terminal and a mobile network which comprises a database for storing subscriber data, the method comprising: defining the quality of service of data transmission by means of quality of service parameters (Col. 6 lines 53-65); defining a subscriber-specific maximum value for at least one quality of service parameter (Col. 6 lines 39-52); storing the subscriber specific maximum value of the at least one quality of service parameter in the database comprising the subscriber data (Col. 6 lines 18-65); checking, in response to the request made by the terminal for connection establishment defined with at least one quality of service parameter, the subscriber specific maximum value of the quality of service parameter; comparing the at least on equality of service parameter requested by the terminal with the subscriber specific maximum value of the quality of service parameter (Col. 6 line 66-Col. 7 line 15; and offering connection establishment with lower values of quality of service to the terminal to be accepted in response to the fact that at least one of the quality of service parameters requested by the terminal exceeds the maximum value defined for the quality of service parameter or the resources of the system. (Col. 7 lines 15-27)

Regarding claim 16, Purnadi discloses a wireless telecommunications system which comprises at least one terminal and a mobile network which comprises a database for storing subscriber data, wherein the quality of service of data transmission is defined by means of

quality of service parameters in the system (Col. 6 lines 53-65); a subscriber specific maximum value is defined for at least one quality of service parameter (Col. 6 lines 39-52); the subscriber specific maximum value of the at least one quality of service parameter is stored in the database comprising the subscriber data (Col. 6 lines 18-65); the terminal is configured to request connection establishment defined with at least one quality of service parameter; the subscriber specific maximum value of the quality of service parameter is configured to be checked; the at least one quality of service parameter requested by the terminal is compared with the subscriber specific maximum value of the quality of service parameter(Col. 6 line 66-Col. 7 line 15; and connection establishment with lower values of the quality of service parameter is configured to be offered to the terminal to be accepted in response to the fact that at least one of the quality of service parameters requested by the terminal exceeds the maximum value defined for the quality of service parameter or the resources of the system. (Col. 7 lines 15-27)

Conclusion

3. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lewis G. West whose telephone number is 703-308-9298. The examiner can normally be reached on Monday-Thursday 6:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivian Chin can be reached on 703-308-6739. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-0377.

Lewis West
(703) 308-9298
October 22, 2003

VIVIAN CHIN
SUPERVISORY PATENT EXAMINER
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